

1 BARRY J. PORTMAN
Federal Public Defender
2 VARELL L. FULLER
Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
San Jose, CA 95113
4 Telephone: (408) 291-7753
5 Counsel for Defendant FLORES

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 10-00604 DLJ
12)
Plaintiff,) STIPULATION AND ORDER
13 vs.) CONTINUING HEARING DATE AND
14) EXCLUDING TIME UNDER THE SPEEDY
JUAN MANUEL FLORES,) TRIAL ACT
15)
Defendants.)
16)

17 **STIPULATION**

18 Defendant Juan Manuel Flores, by and through Assistant Federal Public Defender Varell
19 L. Fuller; and the United States, by and through Assistant United States Attorney Jeffrey B.
20 Schenk, hereby stipulate that, with the Court's approval, the status hearing currently set for
21 Tuesday, February 22, 2011 at 9:00 a.m., shall be continued to Tuesday, March 29, 2011, at 9:00
22 a.m.

23 The reason for the continuance is that the defense requires additional time to complete its
24 investigation and research with respect to Mr. Flores safety valve eligibility.

25 For the foregoing reasons, the parties jointly request and agree to an exclusion of the time
26 between February 22, 2011, and March 29, 2011, under the Speedy Trial Act, 18 U.S.C. §

3161(h)(7)(A) and (B)(iv), for effective preparation by defense counsel.

IT IS SO STIPULATED.

Dated: February 16, 2011

_____/s/_____
VARELL L. FULLER
Assistant Federal Public Defender

Dated: February 16, 2011

_____/s/_____
JEFFREY B. SCHENK
Assistant United States Attorney

ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the hearing currently set for Tuesday, February 22, 2011, shall be continued to Tuesday, March 29, 2011, at 9:00 a.m.

THE COURT FINDS that failing to exclude the time between February 22, 2011, and March 29, 2011, would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between February 22, 2011, and March 29, 2011, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the time between February 22, 2011, and March 29, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A).

IT IS SO ORDERED.

Dated: February 17, 2011



THE HONORABLE D. LOWELL JENSEN
United States District Court Judge